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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/888,832	06/25/2001	John Ruckart	60027.0002US01/BS00375	9399

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EXAMINER

ESCALANTE, OVIDIO

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/888,832	Applicant(s) RUCKART, JOHN	
	Examiner Ovidio Escalante	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,30,34,44,45 and 47-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 47 is/are allowed.
- 6) ☒ Claim(s) 1,30,34,44,45 and 48-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1/18/05</u> ✓ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is in response to applicant's amendment filed on December 13, 2004. Claims 1, 30, 34, 44-45, and 47-50 are now pending in the present application.

Information Disclosure Statement

2. The information disclosure statement submitted on January 18, 2005 was received. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out

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the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1, 30, 34, 44 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nabkel US Patent 5,999,613 in view of Shnier US Pub. 2002/0009184 and further in view of Uyeno et al. US Patent 5,946,636.

Regarding claims 1,34 and 45, Nabkel teaches a method for providing visual caller identification in an Advanced Intelligent Network, (col. 3, lines 45-48,54-59), including a switch (SSP; col. 4, lines 7-18), a service control point (SCP; col. 4, lines 20-29) and a database of caller identification information, (col. 5, lines 13-19), wherein the service control point is functionally connected to the switch, (fig. 3), and wherein the method comprises the steps of:

saving a plurality of directory numbers, (ID numbers; col. 5, lines 19-30);

receiving a call from a calling party at a calling party switch directed to a called party at a called party switch, (col. 4, line 66-col. 5, line 2; fig. 3);

sending call information associated with the caller to the service control point, (adjunct processor/software module 12; col. 3, lines 65-67), the call information including the directory number of the calling party, (col. 5, lines 13-19);

at the service control point, (SCP), query the database of caller identification information for caller identification information associated with the caller, (col. 5, lines 19-24);

sending the caller identification information to a called party caller identification device via the called party switch, (col. 3, lines 44-48; the subscriber's device receives a visual indicator information); and

comparing the directory number of the calling party with the one or more of the plurality of directory numbers, (col. 5, lines 19-24).

Nabkel does not specifically teach of displaying different identification indicators based upon the received caller identification information.

Shnier teaches a method of providing visual caller identification, (paragraph 89; fig. 3; LEDs 201,202, and 203 show whether the caller ID information had a reason code).

Shnier further teaches that it was well known in the art to have receive caller ID information and if one of the directory numbers saved by the called party matches the directory number of the calling party, then callusing the caller identification device to display a first identification indicator, and displaying the caller identification information associated with the call, (paragraphs 0054 and 0101; LED 201 “recognized” is illuminated and the caller name and number is displayed);

if one of the directory numbers saved by the called party does not match the directory number of the calling party, the causing the caller identification device to display a second identification indicator, and displaying the caller identification information associated with the call, (paragraphs 0054 and 0098; LED 202 “unrecognized” is illuminated); and

if no caller identification associated with the call, displaying a third identification indicator, and displaying a message that no caller identification information associated with the call is available, (paragraphs 0035 and 0093; LED 203 “unavailable” is illuminated and the standard caller ID identifier “private” or “out of area” is displayed).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Nabkel by displaying three different visual

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indicators based upon the received caller ID as taught by Shnier so that a user can decide, based on illuminating lights and without having to go to read a display, whether to answer a call.

While Nabkel in view of Shnier teach of lighting LEDs based on at least three different types of incoming calls, Nabkel and Shnier do not specifically teach of flashing in sequence the LED lights to indicate the different types of incoming calls.

In the same field of endeavor, Uyeno teaches that it was well known in the art to flash LED in sequence so that the user can be aware of the type of incoming call, (fig. 3; col. 2, lines 22-67, 46-57; col. 3, lines 5-29, 45-65; col. 4, lines 1-22; col. 5, lines 40-48). Uyeno teach of associating different colors and flashes based on the incoming caller identification, (col. 3, lines 5-29, 45-65; col. 4, lines 1-22; col. 5, lines 40-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the LED lights of Nabkel and Shnier by flashing the LED in sequence as taught by Uyeno so that the incoming call can alert the user more attractively and so that the user can know who is calling.

Regarding claims 30 and 44, Nabkel in view of Shnier teach wherein causing the caller identification device to display a message that no caller identification information associated with the call is available, further includes:

if caller identification information associated with the call is blocked from display, the causing the caller identification device to display an indication that the call is a private call, (paragraph 0035; "Private" is displayed, Shnier); and

if caller identification information associated with the call is not located during querying a database for caller identification information associated with the call, then causing the caller

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identification device to display an indication that the call from an unknown calling area, (paragraph 0093, "Out of Area" is displayed; Shnier).

As discussed above, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Nabkel by displaying indicators based upon the received caller ID as taught by Shnier so that a user can decide, without having to go to read a display, whether to answer a call.

7. Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shnier US Pub. 2002/0009184 in view of Uyeno.

Regarding claims 48 and 50, Shnier teaches a caller identification device and a method for providing visual caller identification (paragraphs 0087 and 0089) comprising:

- circuitry, (fig. 1), operative to receive a call, (paragraphs 0080-0083);
- to receive caller identification information associated with the call, (paragraph 0087 and 0088);
- to store a plurality of directory numbers, (paragraphs 0087 and 0088);
- to associate a first lighted LED with the plurality of directory numbers, (paragraphs 0054 and 0101);
- to compare the directory number associated with the call with the plurality of directory numbers, (paragraphs 0093 and 0094);
- if one of the plurality of directory numbers matches the directory number associated with the call, to light a first LED, and to display the caller identification information associated with the call, (paragraphs 0054 and 0101; LED 201 "recognized" is illuminated and the caller name and number is displayed);

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if one of the plurality of directory numbers does not match the directory number associated with the call, to light a second LED, and to display the caller identification information associated with the call, (paragraphs 0054 and 0098; LED 202 “unrecognized” is illuminated); and

if no caller identification information associated with the call is location , to light a third LED, and to display a message that no caller identification information associated with the call is available, (paragraphs 0035 and 0093; LED 203 “unavailable” is illuminated and the standard caller ID identifier “private” or “out of area” is displayed).

While Shnier teaches of lighted LED based on at least three different types of incoming calls, Shnier does not specifically teach of flashing in sequence the LED lights to indicate the different types of incoming calls.

In the same field of endeavor, Uyeno teaches that it was well known in the art to flash LED in sequence so that the user can be aware of the type of incoming call, (fig. 3; col. 2, lines 22-67, 46-57; col. 3, lines 5-29, 45-65; col. 4, lines 1-22; col. 5, lines 40-48). Uyeno teach of associating different colors and flashes based on the incoming caller identification, (fig. 3; col. 2, lines 22-67, 46-57; col. 3, lines 5-29, 45-65; col. 4, lines 1-22; col. 5, lines 40-48).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the LED lights of Shnier by flashing the LED in sequence as taught by Uyeno so that the incoming call can alert the user more attractively and so that the user can know who is calling.

Regarding claim 49, Shnier teaches wherein the circuitry comprises a microprocessor and associated programming, (paragraph 81).

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Response to Arguments

8. Applicant's arguments with respect to claims 1,30,34,44,45,48-50 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

9. Claim 47 is allowed.

Conclusion

10. Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(703) 872-9306, (for formal communications intended for entry)

Or:

(571) 273-7537, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to:

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ovidio Escalante whose telephone number is 571-272-7537. The examiner can normally be reached on M-Th from 6:30 to 4:00. The examiner can also be reached on alternate Fridays.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan S Tsang can be reached on 571-272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OVIDIO ESCALANTE
PATENT EXAMINER

Ovidio Escalante

Ovidio Escalante
Examiner
Group 2645
May 25, 2005

O.E./oe